

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

ROLAND GRANT PREJEAN

v.

C.A. NO. 10-503 S

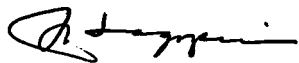
BRIAN K. MURPHY, ET AL.

REPORT AND RECOMMENDATION

Plaintiff Roland Grant Prejean ("Plaintiff"), *pro se*, a detainee at the Donald W. Wyatt Detention Center Facility, filed a complaint against pursuant to 42 U.S.C. § 1983 on December 20, 2010 (Docket # 1). Simultaneously, Plaintiff filed a motion for leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(2); however, Plaintiff failed to file the required inmate account statement with such motion (Docket # 2). On December 28, 2010, I issued a Memorandum and Order denying Plaintiff's motion for leave to proceed *in forma pauperis* without prejudice and ordering Plaintiff to either pay the filing fee or file the required inmate account statement within 30 days (the "Dec. 28th Order") (Docket # 4). I further noted in the Dec. 28th Order that failure to comply with the Order might subject Plaintiff to having his Complaint dismissed.

More than 130 days have passed since the issuance of the Dec. 28th Order, and Plaintiff has failed to comply. Plaintiff has neither paid the filing fee nor filed a copy of the required inmate account statement. In fact, Plaintiff has not responded in any way to the Dec. 28th Order. Accordingly, I recommend that the Complaint be DISMISSED without prejudice.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of Court within fourteen days of its receipt. Fed R. Civ. P. 72(b); LR Cv 72(d). Failure to file timely, specific objections to this report constitutes waiver of both the right to review by the district court and the right to appeal the district court's decision. *United States v. Valencia-Copete*, 792 F.2d 4, 6 (1st Cir. 1986) (per curiam); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603, 605 (1st Cir. 1980).



Jacob Hagopian
Senior United States Magistrate Judge
May 10, 2011